THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION NO. 3:11-cv-00141-GCM

THE UNITED STATES OF AMERICA, et al., EX REL. ANTONIO SAIDIANI)
Plaintiffs,)
v.) ORDER GRANTING) DEFENDANT SHUFELDT'S
NEXTCARE, INC., et al.) MOTION FOR A STAY) OF DISCOVERY
Defendants.)))

Discovery (Dkt. 80) (the "Motion to Stay"); *see also* Dkt. 81 (Memorandum in Support). The Court conducted a telephonic conference at 11 a.m. on July 16, 2014 to discuss the Motion to Stay. Present on the conference call were Daniel R. Miller, Esq., counsel for Relator Antonio Saidiani; David W. Long, Esq., counsel for Defendant John Shufeldt; Mark Calloway, Esq., counsel for NextCare, Inc. ("NextCare"), which is not currently a party to this action but has been served with multiple subpoenas *duces tecum*; and Jonathan H. Ferry, Esq., Assistant United States Attorney, counsel for the United States of America, which has also been served with multiple

This matter is before the Court upon Defendant John Shufeldt's Motion for a Stay of

Shufeldt's Motion to Stay was filed as a consolidated motion, along with a Motion to Dismiss, *see* Dkt. 80 (the "Motion to Dismiss"), which is a potentially-dispositive motion. In the Motion to Stay, Shufeldt has moved the Court pursuant to Rule 26(c) of the Federal Rules of Civil Procedure to stay all discovery pending the Court's consideration of and ruling upon the Motion to Dismiss. Relator Saidiani, by and through counsel, stated that he takes no position on the Motion to Stay.

subpoenas duces tecum.

Upon consideration of the Motion to Stay, the Court finds that the Motion to Stay should

be, and hereby is, granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. All discovery in this case is hereby stayed pending the Court's consideration of and

ruling upon Shufeldt's Motion to Dismiss. This stay includes and applies to any non-party that

has been served with a subpoena in the case.

2. To the extent that the Federal Rules of Civil Procedure and/or any previously-

entered scheduling order(s) may impose any deadlines going forward, such deadlines are

suspended pending the Court's consideration of Shufeldt's Motion to Dismiss.

3. If the Court denies the Motion to Dismiss, the Court will enter a new scheduling

order that will set deadlines for discovery and further proceedings in this case.

Date Signed: July 30, 2014

Graham C. Mullen

United States District Judge